

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LAMAR A. PEARSON,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
COMMISSIONER OF SOCIAL SECURITY,)
)
Defendant.)

Civil No. 4:12-cv-00384-CEJ

DEFENDANT'S MOTION TO DISMISS

COMES NOW Defendant, Commissioner of the Social Security Administration (“agency”), and hereby respectfully moves this Honorable Court to dismiss plaintiff’s complaint for lack of subject matter jurisdiction and failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12 (b)(6). The Court should dismiss the complaint because it is premature and because plaintiff has named an improper defendant. A supporting memorandum of law accompanies this motion.

Respectfully submitted,

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/s/ Jane Rund
By _____
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By
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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to:

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/s/ Jane Rund

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